STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	No.	20,760
)				
Appeal of)				

INTRODUCTION

The petitioner appeals the decision of the Department for Children and Families determining that her premium for the Vermont Health Access Program (VHAP) is \$50 per month. At the fair hearing held on March 29, 2007, the Department raised the issue whether the Human Service Board has jurisdiction to hear petitioner's case because she filed for her fair hearing more than ninety days from the date of decision.

FINDINGS OF FACT

- 1. The petitioner is a person with disabilities.

 Petitioner has been eligible for VHAP managed care since

 January 1, 2006. Initially, petitioner was not charged a

 premium for VHAP.
- 2. Petitioner was approved for Social Security
 Disability benefits on or about April 2006. Petitioner first
 received \$944 per month. Her current amount is \$975 per
 month.

- 3. Upon petitioner's receipt of Social Security disability benefits, the Department assessed petitioner a premium of \$50 per month.¹ Petitioner was first billed in May 2006 for June 2006 VHAP coverage.
- 4. Petitioner is finding it a hardship to pay her VHAP premium.

ODER

The Department's motion to dismiss is granted.

REASONS

The Board promulgated Fair Hearing Rules pursuant to 3 V.S.A. § 3091. Requests for fair hearings are governed by Fair Hearing Rule No. 1 including when a fair hearing should be requested. The relevant portion of Fair Hearing Rule No. 1 states:

Appeals from decisions by the Department . . . shall not be considered by the board unless the appellant has either mailed a request for fair hearing or clearly indicated that he or she wishes to present his or her case to a higher authority within 90 days from the date when his or her grievance arose. . . All other appeals must be made within 30 days from the date the grievance arose, unless otherwise provided by statute.

Petitioner was first assessed the \$50 monthly premium in May 2006 approximately one year ago. Petitioner's appeal to

 $^{^{1}\,\}text{The premium amount}$ is consistent with the pertinent regulation, W.A.M. § 4001.91.

challenge the premium amount is untimely. The Department's motion to dismiss is granted.

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